

authority via delegation of the provisions of 40 CFR 52.21 (e.g., New Hampshire) cannot, in general, implement protection of NO₂ increments until that date. In recognition that protection of the NO₂ increments is available as early as October 17, 1989, to a State which adopted PSD regulations pursuant to Part 51 and had them incorporated into its SIP, EPA stated in the Federal Register notice promulgating the NO₂ increments that it will advance the general effective date of Part 52 on a case-by-case basis pursuant to a State's request.

On February 15, 1989, EPA's Office of Air Quality Planning and Standards issued a guidance memorandum entitled, "Guidance on Early Delegation of Authority for the Nitrogen Dioxide (NO₂) Increments Program." This memorandum outlines the requirements that a State must include in its amended delegation agreement and the procedure which EPA must follow to advance the general effective date of 40 CFR Part 52 NO₂ increment regulations. The State must submit an amended delegation agreement to EPA for review and approval. The amended PSD delegation agreement must—

- (1) Explain how the State plans to meet the new NO₂ increment requirements,
- (2) Demonstrate that the State has adequate legal authority under State law to accept the delegation,
- (3) Address how the State will determine increment consumed since February 8, 1988, and how it will correct possible exceedances,
- (4) Address how the State will track increment consumption in the future, and
- (5) Contain a stipulation by the appropriate State official that it does not intend to submit the necessary Part 51 State Implementation Plan (SIP) revisions within 21 months of the promulgation of the NO₂ increment regulations.

These criteria and how they are met in New Hampshire's amended delegation agreement are detailed in a memorandum dated July 18, 1989 entitled, "Technical Support Document—Advancement of the Effective Date of the PSD Nitrogen Dioxide Increment Program in the State of New Hampshire at 40 CFR 52.1529." Copies of this document are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this notice. EPA has evaluated New Hampshire's request and has determined that the New Hampshire's May 2, 1989 submittal meets all of the criteria in EPA's guidance.

EPA is advancing the effective date of the NO₂ increments regulations in the State of New Hampshire without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on October 10, 1989.

Final Action

EPA is advancing the effective date of the PSD increment provisions for NO₂ in 40 CFR 52.21(b) through (w) from November 19, 1990 to October 17, 1989 in the State of New Hampshire by amending 40 CFR part 52, subpart EE—New Hampshire, § 52.1529 to include the advanced date.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 10, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Nitrogen dioxide, Prevention of significant deterioration.

Dated: July 28, 1989.

Stephen F. Ellis,

Acting Regional Administrator Region I.

Subpart EE, Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart EE—New Hampshire

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1529 is amended by adding paragraph (c) to read as follows:

§ 52.1529 Significant deterioration of air quality

(c) The revisions promulgated on October 17, 1988 (53 FR 40671) to §§ 52.21 (b) through (w) including increment provisions for nitrogen dioxide are hereby incorporated and made a part of the applicable State Implementation Plan for the State of New Hampshire. The effective date of the revisions promulgated on October 17, 1988 to §§ 52.21 (b) through (w) are hereby advanced from November 19, 1990 to October 17, 1989 in the State of New Hampshire.

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40 CFR Part 60

[A3-FRL-3625-6]

Standards of Performance for New Stationary Sources: Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels); Correction and Clarification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction and clarification.

SUMMARY: This document clarifies and corrects several aspects of the new source performance standards for volatile organic liquid (VOL) storage vessels (including petroleum liquid storage vessels) subpart Kb which was promulgated April 8, 1987 (52 FR 11420).

EFFECTIVE DATE: April 8, 1987.

FOR FURTHER INFORMATION CONTACT: Doug Bell or Laura Butler, Standards Development Branch, ESD (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5568 or (919) 541-5267, respectively.

SUPPLEMENTARY INFORMATION: This action is necessary in order to make the following corrections and clarifications:

- (1) To correct typographical errors in §§ 60.110b(c) and 60.113b(a)(2).
- (2) To clarify that the regulation applies only to stored liquids that are VOL's stored in the volume range and at the vapor pressure range specified in § 60.112b of the standards. This has been clarified by adding the words "VOL's to the definition of "maximum true vapor pressure" in § 60.111b of the standards.

(3) To clarify the visual inspection requirements of an internal floating roof storage vessel in § 60.113b of the regulation that was published in the *Federal Register* on April 8, 1987 (52 FR 11420). This notice clarifies that an owner or operator of a storage vessel who chooses to install a double-seal system as specified in § 60.112b(a)(1)(ii)(B) and then chooses to conduct an annual visual inspection of the double-seal system must also conduct an internal inspection at intervals no greater than 10 years. This section also clarifies that an owner or operator who chooses to install a double-seal system may conduct an internal inspection at intervals no greater than 5 years, instead of the annual visual inspection. If the operator equips the storage vessel with a double-seal system and conducts an internal inspection every 5 years, the controls are considered equivalent to a single seal system and annual visual inspection.

These corrections and clarifications do not change the requirements of the regulation. They primarily clarify minor technical ambiguities that have been identified during the implementation of the standards.

List of Subjects in 40 CFR Part 60

Air pollution control, Environmental protection, Petroleum.

Dated: August 4, 1989.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

For reasons set out in the preamble, 40 CFR Part 60 is amended as follows:

PART 60—[AMENDED]

1. The authority citation for Part 60 continues to read as follows:

Authority: 42 U.S.C. 7411 and 7601(a).

2. Section 60.110b is amended by revising paragraph (c) to read as follows:

§ 60.110b Applicability and designation of affected facility.

(c) Except as specified in paragraphs (a) and (b) of § 60.116b, vessels either with a capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure less than 3.5 kPa or with a capacity greater than or equal to 75 m³ but less than 151 m³ storing a liquid with a maximum true vapor pressure less than 15.0 kPa are exempt from the General Provisions (Part 60, Subpart A) and from the provisions of this subpart.

3. Section 60.111b is amended by

revising paragraph (f) introductory text to read as follows:

§ 60.111b Definitions.

(f) "Maximum true vapor pressure" means the equilibrium partial pressure exerted by the stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOL's stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for VOL's stored at the ambient temperature, as determined:

4. Section 60.113b is amended by revising paragraph (a)(2) to read as follows:

§ 60.113b Testing and procedures.

(a) * * *

(2) For Vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in § 60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

5. Section 60.113b is amended by revising paragraph (a)(4) to read as follows:

§ 60.113b Testing and procedures.

(a) * * *

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other

openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs (a)(2) and (a)(3)(ii) of this section and at intervals no greater than 5 years in the case of vessels specified in paragraph (a)(3)(i) of this section.

[FR Doc. 89-18598 Filed 8-10-89; 8:45 am]
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40 CFR Part 271

[FRL-3526-7]

Guam; Final Authorization of Territorial Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The Territory of Guam has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Guam's application and has made a decision, subject to public review and comment, that Guam's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Guam's hazardous waste programs revisions. Guam's application for program revision is available for public review and comment.

DATES: Final authorization for Guam shall be effective October 10, 1989 unless EPA publishes a prior *Federal Register* action withdrawing this immediate final rule. All comments on Guam's program revision application must be received by the close of business September 10, 1989.

ADDRESSES: Copies of Guam's program revision application are available during the business hours of 9:00 a.m. to 5:00 p.m. at the following addresses for inspection and copying:

Guam Environmental Protection Agency, I T & E Harmon Plaza, Complex Unit D-107, 130 Rojas Street,

Harmon, Guam 96911 Phone: 671/646-8865.

U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460 Phone: 202/382-5926.

U.S. EPA Region IX Library-Information Center, 215 Fremont Street, San Francisco, CA 94105 Phone: 415/974-8076.

Written comments should be sent to April Katsura, U.S. EPA Region IX (T-2-5), 215 Fremont Street, San Francisco, CA 94105 Phone: 415/974-0771.

FOR FURTHER INFORMATION CONTACT:

April Katsura at the above address, Phone: 415/974-0771.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266 and 124 and 270.

B. Guam

Guam initially received final authorization on January 27, 1986. Guam received final authorization for revisions to its program on May 22, 1989. On May 9, 1989, Guam submitted a program revision application for additional program approvals. Today, Guam is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Guam's application, and has made an immediate final decision that Guam's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently,

EPA intends to grant final authorization for the additional program modifications to Guam. The public may submit written comments on EPA's immediate final decision up until September 10, 1989. Copies of Guam's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Guam's program revision shall become effective in 60 days unless an adverse comment pertaining to the Territory's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Guam is applying for authorization for the following Federal hazardous waste statute and regulations:

Federal requirement	Territory authority
<ul style="list-style-type: none"> ● Listing of Spent Pickle Liquor (K062) (51 FR 29320, May 28, 1986), as amended (51 FR 33612, Sept. 22, 1986). ● Regulation of the Hazardous Components of Radioactive Mixed Waste (51 FR 24504, July 3, 1986). ● Standards for Hazardous Waste Storage and Treatment Tank Systems (51 FR 25470, July 14, 1986) including portions promulgated under HSWA. ● Liability Coverage (51 FR 25350, July 11, 1986). ● Corrections to Listing of Commercial Chemical Products and Appendix VIII Constituents (51 FR 28296, August 6, 1986). ● Revised Manual SW-846; Amended Incorporation by Reference (52 FR 8072, March 16, 1987). ● Closure/Post-Closure Care for Interim Status Surface Impoundments (52 FR 8704, March 19, 1987). ● Definition of Solid Waste Technical Corrections (52 FR 21306, June 5, 1987). 	<p>10 Guam Code Annotated (GCA) section 51103(a)(11); Hazardous Waste Management Regulations (HWMR) Part III.A.</p> <p>10 GCA section 51102(8) and (22) and section 51103(a)(11).</p> <p>10 GCA section 51103(a)(11); HWMR parts II.A, B, C.20 and D.7; III.A and B; IV.A and B; VI.A, B and G; VII.A, B, and G-M; and IX.A and B.</p> <p>10 GCA section 55103(a)(11); HWMR parts VI.A and VII.A</p> <p>10 GCA section 51103(a)(11); HWMR part III.A.</p> <p>10 GCA section 51103(a)(11); HWMR parts II.B and IX.A.</p> <p>10 GCA section 51103(a)(11); HWMR part VII.A and B.</p> <p>10 GCA section 51103(a)(11); HWMR parts III.A and B and VIII.A.</p>

Federal requirement	Territory authority
<ul style="list-style-type: none"> ● Amendments to Part B Information Requirements for Disposal Facilities (52 FR 23447, June 22, 1987). 	10 GCA section 51103(a)(11); HWMR part IX.A and B.

Guam's program revision contains no Territorial requirements that are broader in scope than the relevant Federal requirements. Guam will not have issued any Territorial hazardous waste permits prior to being authorized for the above program revisions. The Territorial program does not include jurisdiction over Indian Lands, because there are no Indian Lands in Guam.

C. Decision

I conclude that Guam's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Guam is granted final authorization to operate its hazardous waste program as revised. Guam has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Guam also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under The Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Guam's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the Territory. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials

transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3008 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 11, 1989.

John Wise,
Acting Regional Administrator.

[FR Doc. 89-18383 Filed 8-10-89; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Part 215

[Defense Acquisition Circular 88-11]

Department of Defense Federal Acquisition Regulation Supplement (DFARS)

AGENCY: Department of Defense (DoD).

ACTION: Final rules; correction.

SUMMARY: This document corrects a final rule (Defense Acquisition Circular 88-11) which was published in the Federal Register on Wednesday, July 26, 1989, 54 FR 31035. This action is necessary to delete coverage which was inadvertently added and not part of the approved text.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697-7266.

Charles W. Lloyd,
Executive Secretary, Defense Acquisition Regulatory Council.

Accordingly, the Department of Defense is correcting 48 CFR part 215 as follows:

PART 215—[CORRECTED]

215.806-2 [Corrected]

215.806-3 [Corrected]

1. On page 31038, paragraph 5 of the amendatory language is corrected to read: "Section 215.806-3 is added to read as follows:", and section 215.806-2 is removed in its entirety.

[FR Doc. 89-18773 Filed 8-10-89; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AA24

Migratory Bird Hunting; Final Frameworks for Selecting Early Hunting Seasons on Certain Migratory Game Birds in the United States, Including Alaska, and Puerto Rico and the Virgin Islands, for the 1989-90 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final frameworks (i.e., the outer limits for dates and times when shooting may begin and end, hunting areas, and the numbers of birds which may be taken and possessed) for early-season migratory bird hunting regulations from which States and Puerto Rico and the Virgin Islands may select season dates and daily bag and possession limits for the 1989-90 season. These seasons may open prior to October 1, 1989.

DATE: Effective on August 11, 1989. Selected season dates are to be transmitted to the U.S. Fish and Wildlife Service (hereinafter the Service) for publication in the Federal Register as amendments to §§ 20.103 through 20.106 and 20.109 of 50 CFR Part 20.

ADDRESSES: Season selections from States and Territories are to be mailed to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Room 634—Arlington Square, Washington, DC 20240. Comments received are available for public inspection during normal business hours at the Service's office in Room 634, Arlington Square Building, 4401 North Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Byron K. Williams, Acting Chief, Office of Migratory Bird Management, Department of the Interior, Washington, DC 20240, telephone (703) 358-1714.

SUPPLEMENTARY INFORMATION: On March 27, 1989, the U.S. Fish and Wildlife Service published for public comment in the Federal Register (54 FR 12534) initial proposals to amend 50 CFR Part 20, with comment periods ending July 23, 1989, for early-season frameworks and August 28, 1989, for late-season frameworks. The March 27, 1989, document dealt with establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. A supplemental proposed

rulemaking for both the early and late hunting season frameworks appeared in the Federal Register dated June 6, 1989 (54 FR 24290).

On June 22, 1989, a public hearing was held in Washington, DC, to review the status of woodcock, band-tailed pigeons, mourning, white-winged and white-tipped doves, sandhill cranes and other species. The meeting was announced in the Federal Register on March 27, 1989 (54 FR 12534) and June 6, 1989 (54 FR 24290). Proposed hunting regulations were discussed for these species and for rails; moorhens and gallinules; common snipe; sea ducks in the Atlantic Flyway; September teal; experimental September duck seasons in identified States; experimental and special September Canada goose seasons in portions of identified States; doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some extended falconry seasons. Public comments on these matters were received.

On July 13, 1989, the Service published in the Federal Register (54 FR 29640) a third document in the series of proposed and final rulemaking documents. The third document dealt specifically with proposed frameworks for the 1989-90 season. When published in a fourth document as final frameworks, wildlife conservation agency officials may select season dates and bag limits for hunting certain migratory birds in their respective jurisdictions during the 1989-90 season.

This rulemaking is the fourth in the series, and deals specifically with final frameworks for early-season migratory game bird hunting regulations from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands may select season dates and daily bag and possession limits for the 1989-90 season. These seasons may open prior to October 1, 1989, and apply to mourning white-winged and white-tipped doves; band-tailed pigeons; rails; moorhens and gallinules; woodcock; common snipe; sea ducks in the Atlantic Flyway; experimental September duck seasons in identified States; experimental and special September Canada goose seasons in portions of identified States; sandhill cranes in the Central and Pacific Flyways; doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some extended falconry seasons. Late seasons include the general waterfowl seasons; coots; moorhens; gallinules and common snipe in the Pacific Flyway; and remaining extended falconry seasons.